

### Remarks

In response to the restriction requirement, Applicants have elected Group I and a species of a single protein sequence that is EpiNea (e.g., claim 78 and Table 207). At least claims 1-5, 8, 9, 12-16, 19, 21-62 and 78 are embraced by these elections. Applicants make these elections with traverse.

At the outset, Applicants wish to point out that the description of Group II claims is incorrect, as these claims are not drawn to “a method of reducing kallikrein activity to prevent or treat humans/animals using a kallikrein binding protein of Group I”. Accordingly, if this mischaracterization forms the basis of the restriction of Groups I and II, Applicants respectfully request that the Examiner reconsider and withdraw the restriction.

Applicants traverse on the basis that search and examination of Groups I and II would not necessitate an undue burden on the Examiner. MPEP § 803 states that “if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent (and) distinct inventions.” The MPEP further states that a serious burden may be shown if there exists separate classification, separate status in the art, or a different field of search for each grouped invention. This is not the case here. The proteins of Groups I and II have both been classified, by the Examiner, in class 530, subclass 530+. The proteins of Groups I and II most probably do not have separate status in the art since each is commonly defined as “a non-naturally occurring or purified protein which inhibits human neutrophil elastase, and which is a protein comprising a mutant Kunitz domain, said domain being characterized by ... Phe at a position corresponding to BPTI 33, where, in said mutant Kunitz domain, the residue corresponding to BPTI position 18 is Phe ...”. Contrary to the Examiner’s assertion, the proteins do not differ *markedly* with respect to primary amino acid sequence. Rather, the proteins differ from each other at a small, discrete number of amino acid positions. Finally, the proteins of Groups I and II do not require a different field of search since it is expected that pertinent art relating to Group II will be found in a search for Group I and vice versa. For these reasons, Applicants respectfully request that the Examiner reconsider the restriction and rejoin Groups I and II.

Notwithstanding the above, upon allowance of a compound claim within Group I, Applicants respectfully request rejoinder of Group III method of use claims that are commensurate in scope to the allowed compound claim, pursuant to MPEP section 821.04.

Applicants wish to point out that Group III claims, as pending, are already dependent upon several Group I claims.

Having made this election, Applicants expressly reserve the right to file one or more divisional applications on the subject matter of the claims as originally filed.

Respectfully submitted,  
*Ladner et al., Applicant(s)*



---

Maria A. Trevisan, Reg. No. 48,207  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210-2211

Docket No.: D0617.90000US00  
Date: July 2, 2004  
**x07.02.04x**